

FEB 28 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Carlstedt, et al.
Serial No.: 10/038,157
Filed: 01/03/2002
Group Art Unit: 3627
Examiner: Chilcot, Richard E.
For: METHOD OF SELLING VEHICLES HAVING A
PLURALITY OF SUSPENSION OPTIONS

REQUEST FOR RECONSIDERATION

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Office Action mailed on December 30, 2005.

Applicant respectfully traverses the rejection under 35 U.S.C. §103 based upon the *Kijima, et al.* reference. There is no motivation for modifying that reference in a manner to attempt to make it consistent with Applicant's invention. Where there is no benefit to a proposed modification, there is no motivation for making it and no *prima facie* case of obviousness. In this instance, there is no benefit to modifying the *Kijima, et al.* reference as suggested by the Examiner because that would be redundant, at best. The *Kijima, et al.* reference uses a simulator to simulate driving conditions for a driver for purposes of gathering data regarding that driver. The gathered data is then used to program a variety of features of a vehicle purchased by that driver. There would be no benefit to modifying

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Kijima, et al. to make it consistent with Applicant's invention because that would require the driver to go through two testing procedures, which would be redundant. *Kijima, et al.* already provides a testing procedure using the simulator. Modifying the teachings of that document to adjust an active suspension module on a demonstration vehicle so that it performs as a plurality of passive suspensions (which is only suggested by Applicant's specification and not the cited art), would be redundant. Therefore, there is no benefit to making the proposed modification and there is no *prima facie* case of obviousness.

Applicant expressly traverses and disagrees with the Examiner's conclusions in the most recent Office Action. In particular, but not with limitation, Applicant expressly disagrees with the Examiner's conclusion that "*Kijima, et al.* teach all the elements of the claimed vehicles with the exception of teaching the method for selling the vehicle with multiple passive suspension options." There are a variety of aspects of Applicant's invention that the Examiner contends are taught expressly by *Kijima, et al.* which are not present. For example, *Kijima, et al.* does not have "an adjustable active suspension module (via switch 95) supported on a demonstration vehicle that is selectively adjusted to perform as at least one of the plurality of available suspension options such that a customer is permitted to sample at least the selected one of the plurality of suspension options using the demonstration vehicle." The Examiner's position is different than the teachings of *Kijimi, et al.* The reference teaches using a simulator, not a demonstration vehicle. Further, the reference never teaches using an active suspension module to perform as if it were a passive suspension.

Applicant also expressly traverses the Examiner's statement that, "An active suspension is inherently capable of performing as (i.e., the same as) a passive suspension."


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The Examiner must provide some proof to support this statement. Nothing in *Kijima, et al.* makes that suggestion, for example. The Examiner contends that, "Any active suspension is inherently capable of performing as if it were a passive suspension. All that is required to do is simply refrain from adjusting it." If that were done, then it would not be an active suspension. Even if it were, there is no suggestion from *Kijima, et al.* or the Examiner's conclusions that would lead one skilled in the art to Applicant's claimed invention.

None of the pending claims are obvious and this case is in condition for allowance.

Respectfully submitted,

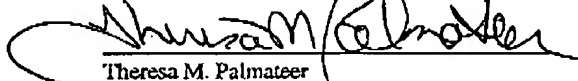
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Dated: February 28, 2006

CERTIFICATE OF FACSIMILE

I hereby certify that this Request for Reconsideration, relative to Application Serial No. 10/038,157, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on February 28, 2006.


Theresa M. Palmateer

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